

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Mirapex Products Liability Litigation

07-MD-1836 (JMR/FLN)

This document relates to:

Linda F. Mrus and Walter Mrus,

Civil No. 10-485 (JMR/FLN)

Plaintiffs,

v.

ORDER

Boehringer Ingelheim Pharmaceuticals, Inc., et al.,

Defendants.

and

Nilratan C. Javery and Susan Javery,

Civil No. 10-486 (JMR/FLN)

Plaintiffs,

v.

Boehringer Ingelheim Pharmaceuticals, Inc., et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 3, 2010, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Defendant BIPI's motions to dismiss are

GRANTED as follows:

- 1) Defendant Boehringer Ingelheim Pharmaceuticals, Inc.'s Motion to Dismiss for Failure to State a Claim (Fed. R. Civ. P. 12(b)(6)) [*Mrus* #8] is **GRANTED** and Counts VI, VII, VIII and IX of Plaintiffs' Complaint are **DISMISSED without prejudice**. Plaintiffs are granted leave to amend their complaint.
- 2) Defendant Boehringer Ingelheim Pharmaceuticals, Inc.'s Motion to Dismiss for Failure to State a Claim (Fed. R. Civ. P. 12(b)(6)) [*Javery* #7] is **GRANTED** and

Counts VI, VII, VIII and IX of Plaintiffs' Complaint are **DISMISSED without prejudice**. Plaintiffs are granted leave to amend their complaint.

DATED: August 24, 2010.

s/Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court